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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH FIORAVANTE, an individual;
MODERN ORTHOPAEDICS, LLC, a
Nevada corporation,

Plaintiffs,

v.

LEICA MICROSYSTEMS, INC., a
Delaware corporation; SOUTH RIDGE
MICROSURGICAL, INC., a Utah
corporation; STEVE MILAZZO, an
individual (California); BRANDON
ELGGREN, an individual (Utah); DOES I
through X, inclusive; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:18-cv-00059-GMN-CWH

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE FOR
DEFENDANTS LEICA
MICROSYSTEMS, INC. AND STEVE
MILAZZO TO RESPOND TO
AMENDED COMPLAINT**

(Fourth Request)

Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Defendants Leica Microsystems, Inc. (“Leica”) and Steve Milazzo (“Milazzo”) and Plaintiffs Joseph Fioravante and Modern Orthopaedics, LLC (collectively, “Plaintiffs”), by and through their respective counsel, hereby agree to extend the deadline for the Leica and Milazzo to plead or otherwise respond to Plaintiffs’ Amended Complaint (ECF No. 3) until May 7, 2018, and request that the Court enter an Order approving the same.

On January 30, 2018, Milazzo was served with process with respect to the Amended Complaint in the above-captioned matter. On February 1, 2018, Leica was served with process with respect to the Amended Complaint in the above-captioned matter. The parties previously

1 stipulated to extend Leica and Milazzo's deadline to response to the Amended Complaint until
2 April 23, 2018 (ECF Nos. 9, 13, 19), so that counsel could evaluate the allegations set forth in
3 the Amended Complaint and the factual circumstances underlying such allegations. The Court
4 entered an order approving the stipulations. (ECF No. 10, 14, 20).

5 Counsel for Plaintiffs, Leica, and Milazzo have exchanged multiple settlement proposals
6 and are continuing to engage in good faith negotiations regarding a potential resolution of this
7 matter without requiring the need for further litigation. Counsel for Leica and Milazzo believes
8 he will have authority on a revised counter-proposal in the coming days and is requesting an
9 additional extension to ensure that Plaintiffs have sufficient time to fully evaluate that
10 forthcoming proposal. The parties are in agreement with respect to the extension to allow them to
11 complete their discussions prior to Leica and Milazzo having to respond to the Amended
12 Complaint. This is the parties' fourth stipulation for an extension of time for Defendants Leica
13 and Milazzo to respond to the Amended Complaint.

14 Based on the foregoing, the parties respectfully request that the Court enter an order
15 extending the deadline for Leica and Milazzo to plead or otherwise respond to the Amended
16 Complaint until May 7, 2018.

17 Dated: April 23, 2018

Dated: April 23, 2018

18 By: /s/ Christopher R. Miltenberger
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By: /s/ M. Lani Esteban-Trinidad
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Attorneys for Plaintiffs Joseph Fioravante
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24 **IT IS SO ORDERED:**

25 
26 _____
27 **UNITED STATES**
28 **MAGISTRATE/DISTRICT JUDGE**
DATED: April 24, 2018